

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 22-mj-143
(FILED UNDER SEAL)

SHWETA PATEL
DISHANT PATEL

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Beginning in or about March 2021 and continuing until the present date, in the Western District of New York, and elsewhere, the defendants, **SHWETA PATEL, DISHANT PATEL**, did knowingly, willfully, and unlawfully combine, conspire, and agree together and with others, known and unknown, to commit an offense against the United States, that is to knowingly enter into marriages for the purpose of evading immigration laws, in violation of Title 8, United States Code, Section 1325(c).

All in violation of Title 18, United States Code, Section 371.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

MARK E. REIMANN
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title

Sworn to before me and signed electronically.

Date: July 20, 2022



Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO)

Mark E. Reimann, Special Agent of Homeland Security Investigations, U.S. Department of Homeland Security, being duly sworn, deposes and says:

Introduction

1. I am a Special Agent (“SA”) with the U.S. Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), Buffalo, NY.

2. This affidavit is based upon my personal knowledge, information provided by other law enforcement personnel, and evidence obtained during this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning the investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all dates described in this affidavit are approximate and inclusive, and all statements or representation described in this affidavit are related in substance and in part.

3. I respectfully submit this affidavit in support of a Criminal Complaint charging [REDACTED], DISHANT PATEL, and SHWETA PATEL with a violation of Title 18, United States Code, Section 371 and Title 8, United States Code, Section

1325(c) (conspiracy to commit marriage fraud), and respectfully request the Court issue arrest warrants.

Relevant Immigration Law

4. United States Citizenship and Immigration Services (“CIS”) is an agency of the Department of Homeland Security. CIS oversees lawful immigration to the United States. CIS provides the procedures for a U.S. citizen to seek and obtain permanent resident status for their foreign national spouse. Section 216 of the Immigration and Nationality Act (INA) allows a foreign national to become a lawful permanent resident of the United States on a conditional basis based on marriage. Lawful permanent residents are issued a Permanent Resident Card, commonly referred to as a “Green Card”, by CIS as proof of their lawful status in the United States. A conditional permanent resident receives a “Green Card” valid for two years.

5. To obtain a Green Card for the foreign national spouse, the U.S. citizen spouse must petition CIS by submitting a petition with supporting documentation including proof of the marriage and proof of the relationship to demonstrate it is authentic. In particular, the U.S. citizen spouse must file a Form I-130 (Petition for Alien Relative) with CIS and submit the marriage certificate in support of the petition. The foreign national spouse must file a Form I-485 (Application to Register Permanent Residence or Adjust Status), which formally seeks to adjust the foreign national spouse’s status to that of a lawful permanent resident. The process requires the foreign national and his or her U.S. citizen spouse to appear before and be questioned by a CIS Adjudicator under oath. CIS will then

deny or approve the application. If the petition is approved and the marriage which is the basis of the application is less than two years old, the beneficiary is accorded conditional lawful permanent resident status and issued a Green Card. Within 90 days of the expiration of the Green Card, both spouses must file Form I-751 (Petition to Remove Conditions on Residence) with CIS. The petition requires certification that the marriage was entered in accordance with the law of the place where the marriage took place and was not for the purpose of procuring an immigration benefit. If the Form I-751 is not filed timely, the foreign national spouse's Green Card and legal status in the U.S. will expire and they will be deportable.

Overview of the Conspiracy

6. [REDACTED], DISHANT PATEL, and SHWETA PATEL, did knowingly and willfully combine, conspire, and agree with one another and with other individuals, known and unknown, to knowingly enter into marriages for the purpose of evading immigration laws in violation of Title 8, United States Code, Section 1325(c), all in violation of Title 18, United States Code, Sections 371(a) and 371(b).

7. Delaina Shaw, who was convicted of conspiracy to commit marriage fraud on March 18, 2022 (22-CR-24-JLS), served as a broker who connected foreign nationals from the country of India seeking legal permanent resident status in the U.S. with U.S. citizens willing to enter a fraudulent marriage for payment. Shaw made the arrangements for the foreign national and U.S. citizen to obtain a marriage license, participate in a marriage ceremony, and then prepare CIS forms and filings and supporting document for submission

to CIS on behalf of the foreign national's application for a Green Card. Shaw was charged via criminal complaint on February 24, 2021 (21-MJ-5057) for the underlying conduct. In March 2021, Shaw identified [REDACTED] as one of three domestic brokers employed by the overall organization.

8. [REDACTED] is a lawful permanent resident originally born in Great Britain. She currently resides in South Carolina. She also serves as a broker who connected foreign nationals from the country of India seeking legal permanent resident status in the U.S. with U.S. citizens willing to enter a fraudulent marriage for payment. [REDACTED] makes the arrangements for the foreign national and the U.S. citizen to obtain a marriage license, participate in a marriage ceremony, and then prepare CIS forms and filings and supporting documents for submission to CIS on behalf of the foreign national's application for a Green Card.

9. DISHANT PATEL is a citizen of India, residing in Ohio who entered into a fraudulent marriage on or about January 26, 2022 in the Western District of New York which was brokered by [REDACTED]. DISHANT PATEL then made and submitted false and fraudulent representations to CIS in his application for a Green Card.

10. SHWETA PATEL is a citizen of India, residing in Ohio, who entered into a fraudulent marriage on or about January 28, 2022 in the Western District of New York. SHWETA PATEL then made and submitted false and fraudulent representations to CIS in her application for a Green Card.

11. Throughout the investigation, undercover law enforcement officers and agents were used to pose as co-conspirators. An undercover HSI Special Agent (“UC-1”) posed as a broker to arrange fraudulent marriages by supplying purported U.S. citizens willing enter fraudulent marriages, but who were in fact members of law enforcement. Two other undercover HSI Special Agents (“UC-2” and “UC-3”), a female and male respectively, posed as U.S. citizens willing to enter a fraudulent marriage with a foreign national for the purpose of obtaining immigration benefits for the foreign national and in exchange for payment.

Fraudulent Marriage Between DISHANT PATEL and UC-2

12. In New York State, the law imposes a 24-hour waiting period between when the marriage license is issued and when the ceremony may take place. [REDACTED] and UC-1, who were acting as brokers, planned for DISHANT PATEL and UC-2 to obtain a marriage license on January 25, 2022 and then organized a marriage ceremony to be held on January 26, 2022.

13. On or about January 25, 2022, [REDACTED] and UC-1 met with DISHANT PATEL and UC-2 in Hamburg, New York for the purpose of obtaining a marriage license, opening a joint bank account, and taking staged photographs in pursuit of establishing a fraudulent marriage between DISHANT PATEL and UC-2. The meeting was audio recorded.

14. On January 25, 2022, UC-1 and UC-2 drove to the Hamburg Town Hall together and met DISHANT PATEL in the parking lot. UC-1 provided DISHANT PATEL and UC-2 with instructions on how to obtain a marriage license at the Clerk's Office within the Town Hall. DISHANT PATEL and UC-2 obtained a marriage license and then gave it to UC-1. UC-1 took staged photographs of DISHANT PATEL and UC-2, while the group waited for [REDACTED] to arrive.

15. [REDACTED] arrived at the Hamburg Town Hall in her own vehicle approximately 40 minutes after UC-1, UC-2, and DISHANT PATEL. The group informed [REDACTED] that they had already obtained a marriage license. [REDACTED], DISHANT PATEL, UC-1, and UC-2 agreed to go to a bank for DISHANT PATEL and UC-2 to open a joint account.

16. [REDACTED], DISHANT PATEL, and UC-1 and UC-2 traveled in their respective vehicles to a bank on Walden Avenue in Cheektowaga, New York. This meeting was audio recorded. In the parking lot of the bank DISHANT PATEL got in the vehicle with UC-1 and UC-2, where DISHANT PATEL and UC-2 signed and false and fictitious lease agreement. DISHANT PATEL and UC-2 then proceeded inside the bank and opened a joint bank account while [REDACTED] and UC-1 spoke together. The documents from this joint account are being maintained by DISHANT PATEL. DISHANT PATEL immediately handed the bank paperwork from the joint account opening to [REDACTED].

17. [REDACTED], DISHANT PATEL, and UC-1 and UC-2 traveled to a mall in Cheektowaga, New York where DISHANT PATEL and UC-2 took staged photographs of themselves in multiple outfits. This meeting was audio recorded. [REDACTED] and UC-1 waited for them in the food court. [REDACTED], DISHANT PATEL, UC-1, and UC-2 then gathered and discussed plans for another fraudulent marriage between DISHANT PATEL's girlfriend, SHWETA PATEL, and UC-3 for the following day.

18. On or about January 26, 2022, a fraudulent marriage ceremony between DISHANT PATEL and UC-2 took place at the Hamburg Town Hall with UC-1 present. The ceremony was audio and video recorded and was performed by another HSI Special Agent acting in an undercover capacity. Prior to the ceremony, DISHANT PATEL asked UC-1 how to handle the wedding bands, to which UC-1 asked "oh you got two pieces [of jewelry] for her?" DISHANT PATEL confirmed "yes," and UC-1 explained "usually the one is for when you propose, and then the other one when you get married, so since we didn't do the proposal, we'll just do two here." After the ceremony, DISHANT PATEL and UC-2 changed their outfits.

19. [REDACTED] arrived at the Hamburg Town Hall and met DISHANT PATEL, UC-1, and UC-2 just after the ceremony inside the Hamburg Town Hall. All four individuals left together and walked back to the parking lot, where [REDACTED] paid UC-1 \$5,000 U.S. currency, which represented payment to UC-1 for her role in brokering the marriage between UC-2 and DISHANT PATEL, and payment to UC-2 for her role in

fraudulently marrying DISHANT PATEL. The meeting was audio recorded. Thereafter, all four individuals traveled to the Hyatt Regency Hotel in Buffalo, New York, where they met in the lobby and DISHANT PATEL took a photograph with UC-2.

20. Inside the hotel, where the audio recording continued, [REDACTED] and UC-1 coordinated the preparation and signing of documents for DISHANT PATEL's application to U.S. Citizenship and Immigration Services (CIS). Further, [REDACTED] discussed her preference to use different attorneys in the scheme because if one "get's audited or anything," she expressed concern the United States government would "reopen every case and we don't ever want that."

21. Thereafter, SHWETA PATEL joined the meeting. SHWETA PATEL and DISHANT PATEL stated they were girlfriend and boyfriend, that they were present in the United States on expired visas, and that they originally met in high school in India. Further, SHWETA PATEL and DISHANT PATEL stated they were staying at the Hyatt Regency Hotel together in the same room for the purpose of both of their fraudulent marriages.

22. With SHWETA PATEL present, DISHANT PATEL and UC-2 reviewed "how they met." [REDACTED] instructed DISHANT PATEL and UC-2 to provide the following information for how they met: "The two of you came to Niagara Falls basically, you saw each other's pictures on Instagram. Instagram doesn't show timeline []. You exchange your numbers and then you FaceTime each other, and then start talking to each other. Like you like texting but not talking to each other Um, you came to see her

twice, two trips to Niagara.” [REDACTED] further detailed: “Then you to came to see her and then you flew in. She took some trips to see you and you took trips to her.” DISHANT PATEL asked [REDACTED], “if they ask anything like since I work in Ohio, what do I say?”, to which [REDACTED] responded, “say that the relationship was long distance initially back in October.” After this discussion, DISHANT PATEL and UC-2 changed clothes again and took additional photographs.

23. Before leaving the hotel with UC-2, UC-1 confirmed SHWETA PATEL was prepared for her own fraudulent marriage, for which they planned to obtain a marriage license the following day. UC-1 reminded SHWETA PATEL to bring personal identification and cash to pay the fee for the marriage license application.

24. HSI Buffalo produced numerous immigration documents and fictitious personal documents for UC-2 to use for DISHANT PATEL’s immigration application. The immigration documents produced included an I-130 (Petition for Alien Relative), I-130 (Petition for Alien Relative), and I-485 (Application to Register Permanent Residence or Adjust Status). The fictitious personal documents produced by HSI Buffalo included an apartment lease, a Wage and Tax Statement (Form W-2, a federal tax filing), a payroll record, and an Individual Income Tax Return (Form 1040, a federal tax filing). Based on my training and experience, I know all of these documents are common and necessary for the process of applying to CIS for immigration status.

25. All of the documents produced by HSI Buffalo were forwarded by UC-1 to [REDACTED] via text message.

26. On or about March 15, 2022, CIS received a package in the U.S. Priority Mail containing immigration forms and supporting documentation relating to DISHANT PATEL's application for a Green Card based on his marriage to UC-2. These documents were mailed from Monty Chiu & Associates at 4491 Peachtree Industrial Boulevard, Berkeley Lake, GA via US Priority Mail 2-Day Service. In particular, the package contained the immigration forms signed by DISHANT PATEL and UC-2, including, for example, Forms I-130 and I-485. The package also contained the lease agreement generated by HSI.

27. CIS has not scheduled DISHANT PATEL and UC-2 for a CIS interview in connection with DISHANT PATEL's pending Green Card application.

Fraudulent Marriage Between SHWETA PATEL and UC-3

28. On January 27, 2022, SHWETA PATEL, UC-1, and UC-3, met for the purpose of obtaining a marriage license in pursuit of establishing a fraudulent marriage between SHWETA PATEL and UC-3. The meeting was located at the Hamburg Town Hall and was audio recorded. The plan was for SHWETA PATEL and UC-3 to obtain a marriage license on January 27, 2022 and organized a marriage ceremony to be held on January 28, 2022.

29. On January 27, 2022, prior to obtaining the marriage license, UC-1 and UC-3 met SHWETA PATEL at a bank on Camp Road in Hamburg, New York for the purpose of opening a joint bank account for SHWETA PATEL and UC-3. SHWETA PATEL and UC-3 entered the bank together, opened a joint account, and SHWETA PATEL deposited \$100 into the account.

30. Thereafter, UC-1, UC-3, and SHWETA PATEL traveled to the Hamburg Town Hall and took some photographs outside. SHWETA PATEL and UC-3 went inside the Hamburg Town Hall and obtained marriage license after presenting identification.

31. SHWETA PATEL, UC-1, and UC-3 all traveled to a hotel in Williamsville, New York, where [REDACTED] was staying for the week. Inside the lobby and outside the hotel, SHWETA PATEL and UC-3 took some photographs together while [REDACTED] and UC-1 spoke privately.

32. On or about January 28, 2022, a fraudulent marriage ceremony between SHWETA PATEL and UC-3 took place at the Hamburg Town Hall. DISHANT PATEL accompanied SHWETA PATEL, his girlfriend, to the Town Hall. UC-1 went inside with SHWETA PATEL and UC-3 for the marriage ceremony, while DISHANT PATEL waited outside. The ceremony was audio and video recorded. SHWETA PATEL and UC-3 were given a marriage certificate and they posed for photographs inside and outside the Hamburg Town Hall. At one point, SHWETA PATEL and UC-3 changed their clothing at the Hamburg Town Hall and then posed for additional photographs. Shortly after the

ceremony, [REDACTED] arrived at the Hamburg Town Hall and suggested they all meet at a nearby restaurant. SHWETA PATEL, DISHANT PATEL, [REDACTED], UC-1, and UC-3 all traveled to the nearby restaurant proposed by [REDACTED].

33. Once at the parking lot of the restaurant, SHWETA PATEL and UC-1 entered [REDACTED] vehicle, where UC-1 received \$5,000 U.S. currency from [REDACTED], which represented payment for UC-3's role in fraudulently marrying SHWETA PATEL. Thereafter, UC-3 entered [REDACTED] vehicle and they all had a discussion about the immigration process and documents for SHWETA PATEL's Green Card. [REDACTED] coached SHWETA PATEL and UC-3 about the immigration interview. [REDACTED] had UC-3 sign immigration documents including Forms I-130 and I-485. UC-1 gave [REDACTED] fictitious documents created by HSI including IRS Form W-2, payroll stubs, and a lease for an apartment.

34. Following the ceremony, HSI Buffalo produced numerous immigration documents and fictitious personal documents for SHWETA PATEL's application to CIS. These documents included a fictitious apartment lease, Form W-2 (Wage and Tax Statement), payroll records, and a Form 1040 (Individual Income Tax Return). These documents were provided to UC-1 who forwarded them onto [REDACTED]. Forms I-130 (Petition for Alien Relative) and I-485 (Application to Register as Permanent Resident or Adjust Status).

35. On or about March 10, 2022, CIS received a package containing immigration forms and supporting documentation relating to SHWETA PATEL's application for a Green Card based on her marriage to UC-3 via U.S. Priority Mail 2-Day Service. These documents were mailed from the "Law Firm of Kyce Siddiqi" with an address of 122 Plainfield Avenue, Floral Park, NY 11001-2934. In particular, the package contained the immigration forms generated by HSI including the I-130 and I-485.

36. CIS has not scheduled SHWETA PATEL and UC-3 for a CIS interview in connection with SHWETA PATEL's pending Green Card application.

REQUEST FOR SEALING

37. It is further requested that this complaint and accompanying affidavit be sealed until further order of the Court. These materials discuss an ongoing criminal investigation. The public disclosure of this complaint and the accompanying affidavit could result in the flight of the defendants, who are currently not in custody, or otherwise jeopardize the investigation if the defendants became aware of the existence of these materials prior to the effectuation of their arrest.

CONCLUSION

WHEREFORE, based upon the foregoing, I respectfully submit that there is probable cause to believe that [REDACTED], DISHANT PATEL, and SHWETA PATEL have committed conspiracy to commit marriage fraud in violation of Title 8, United States Code, Section 1325(c), all in violation of Title 18, United States Code,

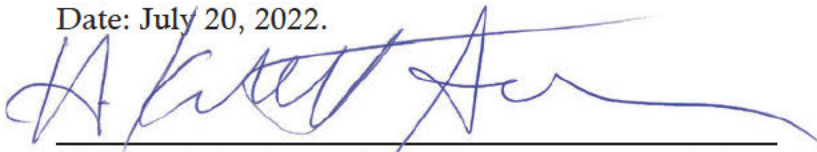
Sections 371(a) and 371(b) and request that the Court issue arrest warrants for these individuals. To allow law enforcement personnel to coordinate the execution of the arrest warrant and other related law enforcement activities, I request that the Court seal the Criminal Complaint, this affidavit, and the arrest warrants until further order of the Court.



MARK E. REIMANN
Special Agent
Homeland Security Investigations

Sworn to before me and signed electronically.

Date: July 20, 2022.



HONORABLE H. KEITH R. JR.
United States Magistrate Judge